

Message Text

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ACTION IO-10

INFO OCT-01 AF-10 ISO-00 OES-05 ARA-10 EA-10 EUR-12 NEA-10

RSC-01 SSO-00 NSCE-00 INRE-00 AID-05 CEQ-01 CIAE-00

COA-01 COME-00 DODE-00 EB-07 EPA-04 INR-07 L-02

NSF-02 NSC-05 NSAE-00 PM-03 SS-15 SP-02 FEAE-00

USIE-00 H-02 PA-02 PRS-01 IOE-00 /128 W

----- 053276

O R 021811Z DEC 74

FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 8050

INFO AMEMBASSY NAIROBI

UNCLAS SECTION 1 OF 2 USUN 5585

E.O. 11652: N/A

TAGS: UNEP, UNGA, AORG

SUBJ: 29TH UNGA - SECOND COMMITTEE ITEM 46 ENVIRONMENT -

ARGENTINE RESOLUTION A/C.2/L.1368/REV.1

REFS: (A) STATE 249076, (B) STATE 249211, (C) STATE 262352

(D) USUN 5443

SUMMARY. THIS MSG REPORTS CURRENT STATE OF PLAY ON ARGENTINE RES A/C.2/L.1368/REV.1 AND REQUESTS DEPARTMENT'S VIEWS ON PROPOSED PLAN OF ACTION WITH RESPECT OPERATIONAL ASPECTS THIS RES. SEPARATE MSG REQUESTS DEPARTMENT'S VIEWS ON PROPOSED PLAN OF ACTION ON OTHER ASPECTS OF RES. END SUMMARY.

1. ARGENTINE RES A/C.2/L.1368/REV.1 IS PROBLEM ON THREE COUNTS: (A) CONTAINS LANGUAGE THAT CONTINUES TREND RECENT GAS FOR GA TO REQUEST GOVERNING COUNCILS OR EXECUTIVE DIRECTORS UN ORGANS, IN THIS CASE UNEP GC AND DIRECTOR STRONG, TO TAKE ACTIONS WHICH BETTER DECIDED UPON BY GCS WHERE APPROPRIATE EXPERTISE IS REPRESENTED ON DELEGATIONS;
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(B) CONTAINS LANGUAGE THAT EXPANDS UPON OR ALTERS DECISIONS

MADE BY UNEP GC, THUS FURTHER ERODING POWER OF UNEP GC WHILE AT SAME TIME SETTING STAGE FOR SUBSEQUENT CHANGES IN AGREED-UPON SUBSTANTIVE ASPECTS OF UNEP PROGRAM WITH RESULT THAT UNEP COULD BE WEAKENED, AT LEAST FROM OUR POINT OF VIEW; AND (C) CONTAINS LANGUAGE THAT IS OFFENSIVE WITH RESPECT TO THE NIO, DECLARATION AND PROGRAM OF ACTION; DANGER IS THAT WITH RESPECT TO PROBLEM (A), PRECEDENTS ARE BEING ESTABLISHED THAT WILL BE DIFFICULT TO REVERSE, WITH REPERCUSSIONS THROUGHOUT WHOLE UN STRUCTURE (THIS ALREADY AN ARGUMENT USED BY SPONSORS PRESENT RES WHERE IT POINTED OUT THAT GA REQUESTS TO UNEP GC AND EXECUTIVE DIRECTOR NO DIFFERENT THAN GA RESES, FOR EXAMPLE, WHICH HAVE REQUESTED UNDP GC TO TAKE CERTAIN ACTIONS.); WITH RESPECT TO PROBLEM (B), ADOPTION OF RES WILL BE USED AS AMMUNITION, HOWEVER, ILL FOUNDED, FOR UNEP GC-III TO ADOPT CERTAIN MEASURES NOT TO OUR LIKING; AND WITH RESPECT TO PROBLEM (C), THAT PRECEDENTS WILL BE ESTABLISHED, SHOULD RES BE ADOPTED, FOR GA AND OTHER UN ORGANS TO STRUCTURE UN AND TAKE ACTONS ON BRAOD ECONOMIC ISSUES NOT ACCEPTABLE TO US. WHILE ALL THIS WELL KNOWN TO DEPARTMENT IS USEFUL, WE BELIEVE, TO SUMMARIZE SITUATION SINCE THIS SEEMINGLY MINOR RES IS GOOD ILLUSTRATION OF SOME OF THE MAJOR PROBLEMS WITH WHICH WE FACED IN SECOND COMMITTEE. ALSO, SUCH A SUMMARY IS USEFUL AS FRAMEWORK IN REPORTING CURRENT STATE OF PLAY THIS RES.

2. WITH REGARD TO PROBLEM OF GA REQUESTS FOR ACTION FROM UNEP GC AND EXECUTIVE DIRECTOR, RELEVANT PARAS APPEAR TO BE PREAMB PARA 12, OP PARA 1 AND CHAPEAUS FOR OP PARAS 3 AND 4. PREAMB PARA 12 IN RESPONSES TO A SWEDISH PROPOSAL NOW NOTES THE NEED FOR UNEP TO STRENGTHEN ITS "COORDINATING FUNCTION", NOT JUST ITS "PROGRAMME ACTIVITES" AS STATED ORIGINALLY; AND OP PARA 1, ALSO IN RESPONSE TO A SWEDISH SUGGSTION, NOW NOTES WITH SATISFACTION NOT ONLY THE REPORT OF THE GC BUT ALSO "ITS WORK PROGRAMME." THESE CHANGES IN OUR VIEW ARE PLUSES, SINCE THEY SOFTEN ORIGINAL LANGUAGE WHICH IMPLIED DISSATISFACTION WITH UNEP WORK PROGRAMME, THUS SETTING THE STAGE FOR THE GA TO REQUEST THE UNEP GC TO DO CERTAIN THINGS (CHAPEAU UNCLASSIFIED

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FOR OP PARA 2) AND THE UNEP EXECUTIVE DIRECTOR TO DO CERTAIN THINGS (CHAPEAU FOR OP PARA 4). UNFORTUNATELY, HOWEVER, NEW LANGUAGE DOES NOT FULLY NEUTRALIZE LANGUAGE IN THESE TWO CHAPEAUS. OF THESE TWO CHAPEAUS, THAT FOR OP PARA 4 SEEMS TO BE THE MOST CRITICAL, SINCE THE GENERAL DRAFT OF ACTIONS CALLED FOR IN OP PARA 3 IN ALL LIKELIHOOD WOULD HAPPEN ANYWAY IN SPITE OF GA ACTION. AS FOR CHAPEAU FOR OP PARA 4, NO CHANGE IN LANGUAGE HAS BEEN

ACCEPTED BY SPONSORS, ALTHOUGH THE US, CANADA AND FRG HAVE PROPOSED LANGUAGE WHICH WOULD REQUEST EXECUTIVE DIRECTOR "TO CONSIDER" OR "TAKE INTO ACCOUNT THE NEED FOR" OR SOME SUCH SIMILAR PHRASE THAT WOULD PUT RESPONSIBILITY FOR FINAL DECISIONS ON ACTIONS CALLED FOR IN UNEP RATHER THAN GA.

3. WITH REGARD PROBLEM OF THE GA SETTING THE STAGE FOR UNEP-III TO MAKE CHANGES IN SUBSTANTIVE ASPECTS OF UNEP PROGRAMME, RELEVANT PARAS APPEAR TO BE OP PARAS 3(A), 3(B), 4(A) AND NEW (SEE REF D) OP PARAS 4(C) THROUGH 4(I). PRESENT STATUS THESE PARAS AS FOLLOWS:

(A) OP PARA 3(A) - THIS PARA NOT MENTIONED AS PROBLEM IN ANY INSTRUCTION FROM DEPARTMENT. HOWEVER, IN LAST CONSULTATION SESSION SPONSORS CHANGED PARA TO READ: "TO ENSURE THAT, IN THE DESIGN, IMPLEMENTATION AND DEVELOPMENT OF THE GLOBAL ENVIRONMENT MONITORING SYSTEM (GEMS), ON THE BASIS OF VOLUNTARY PARTICIPATION BY MEMBER STATES, ITS OBJECTIVES ETC." UNDERSCORED PHRASES REPRESENT ADDITIONS TO ORIGINAL LANGUAGE. WE SEE NO PROBLEM WITH NEW LANGUAGE AND HAVE INDICATED TO SPONSORS WE HAVE NO OBJECTION. UNLESS DEPARTMENT SEES OTHERWISE WE SHALL LET THIS PARA RIDE.

(B) OP PARA 3(B) - THIS PARA PER REF(B) IS A PROBLEM ON GROUNDS, INTER ALIA, THAT SINCE IRS IS TO EXCHANGE INFORMATION ONLY, PHRASE "AND TIMELY PROVISION" SHOULD BE DELETED. HOWEVER, SINCE DEPARTMENT IN REF (C) AGREED TO CHANGES IN NEW OP PARA 4(H) ON SAME SUBJECT WITH SIMILAR PHRASEOLOGY WE TENTATIVELY HAVE ACCEPTED SPONSORS CHANGE IN PARA 3(B), REVEALED IN LAST CONSULTATION SESSION, FOR "EXCHANGE AND TIMELY PROVISION" TO READ "TIMELY EXCHANGE AND PROVISION," I.E. SAME AS TEXT AGREED BY DEPARTMENT IN REF(C) FOR PARA 4(H). OUR READING OF UNEP GC DECISION 8(II), PAGE 65 OF UNEP GC-II REPORT, UNCLASSIFIED

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HOWEVER, SUGGESTS THAT ADOPTION OF RES WITH EITHER ORIGINAL OR REVISED WORDING WOULD PAVE WAY FOR UNEP GC-III TO EXPAND IRS INTO LIBRARY-KEEPING FUNCTION (EMPHASIZED BY ARGENTINE DEL IN DISCUSSIONS) WHICH WE UNDERSTAND IS NOT INTENDED AT LEAST FOR THE PRESENT. THUS, WE KEEPING PARA 3(B) IN PROBLEM CATEGORY UNTIL ADVISED TO THE CONTRARY. ALSO WITH REGARD OP PARA 3(B), SPONSORS HAVE AGREED TO CHANGING "THE NEEDS OF DEVELOPING COUNTRIES" TO "THE NEEDS PARTICULARLY OF DEVELOPING COUNTRIES." INSERTION OF WORD "PARTICULARLY" MEANT TO CONVEY THOUGHT THAT IRS NOT MEANT TO BE CONFINED TO DEVELOPING COUNTRIES ONLY. WHILE "PARTICULARLY" IS COMPROMISE FROM OUR PREFERRED LANGUAGE "DEVELOPED AND" WE SEE NO PROBLEM AND HAVE ACCEPTED.

(C) OP PARA 3(A) PER REF(C) REVISED LANGUAGE IS ACCEPTABLE TO DEPARTMENT. WE VIEW THIS ACCEPTANCE AS

CONCESSION TO ARGENTINE EFFORT TO HAVE GA REQUEST ACTIONS
BY UNEP EXECUTIVE DIRECTOR, SINCE REPORT CALLED FOR
THIS PARA IS WE UNDERSTAND ADDITIVE TO GC-II DECISIONS.

(D) OP PARA 4(C) (OLD PARA 4(B)) - THIS PARA NOT SERIOUSLY
QUESTIONED BY DEPARTMENT, SINCE ACTION CALLED FOR APPARENTLY
IN ACCORD WITH UNEP GC-II DECISIONS. ALSO, UNEP REP NYC
SEES NO PROBLEM HERE.

(E) OP PARA 4(D) (OLD PARA 4(C)) - PER REF (C) REVISED
LANGUAGE IS ACCEPTABLE TO DEPARTMENT. ALSO, PER REF(B)
ACTION CALLED FOR APPARENTLY IN ACCORD WITH UNEP GC-II
DECISIONS; AND UNEP REP NYC SEES NO PROBLEM.

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INFO OCT-01 AF-10 ISO-00 ARA-10 EA-10 EUR-12 NEA-10 RSC-01

SSO-00 NSCE-00 INRE-00 USIE-00 AID-05 CEQ-01 CIAE-00

COA-01 COME-00 DODE-00 EB-07 EPA-04 INR-07 L-02

NSF-02 NSC-05 NSAE-00 PM-03 OES-05 SS-15 SP-02

FEAE-00 H-02 PA-02 PRS-01 IOE-00 /128 W

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(F) OP PARA 4(E) (OLD PARA 4(D)) - PER REF(C) THIS PARA
IS A PROBLEM. HOWEVER, AFTER RECEIPT OF REF(C) SPONSORS
AGREED TO CHANGING "OPERATIVE GUIDELINES ON MAN-
INDUCED WEATHER MODIFICATIONS AND OTHER ENVIRONMENTAL
PHENOMENA" TO "OPERATIVE GUIDELINES ON MAN-INDUCED
WEATHER MODIFICATION AND RELATED ENVIRONMENTAL PHENOMENA."
THIS IS COMPROMISE FROM PERFERRED LANGUAGE WHICH WOULD HAVE EXCLUDED
"MAN-INDUCED" BUT WE SEE NO PROBLEM HERE SINCE
AIM WAS TO CONFINE LANGUAGE TO WEATHER, AND WE HAVE ACCEPTED.
ALSO WITH REGARD OP PARA 4(E), SPONSORS HAVE ACCEPTED

SWEDISH PROPOSAL TO CHANGE PHRASE "ON THE DESIRABILITY OF DEVELOPING A SET OF GENERAL PRINCIPLES" TO "FOR STUDIES IN THE DEVELOPMENT OF A SET OF PRINCIPLES." OUR READING OF UNEP GC-II REPORT DECISION 8(II) PAGE 67 SHOWS THAT SWEDISH PROPOSAL IS AT VARIANCE WITH UNEP GC-II DECISION. IN OTHER WORDS, IT SEEMS THAT SWEDES HAVE BEGUN TO PLAY SAME GAME AS ARGENTINES AND ARE ATTEMPTING TO SET THE STAGE FOR SUBSTANTIVE CHANGES IN UNEP GC-III DECISIONS AS WELL. WE SHALL ATTEMPT TO GET ORIGINAL LANGUAGE BACK.

(G) OP PARA 4(F) (OLD PARA 4(E)) - THIS PARA NEVER QUESTIONED BY DEPARTMENT. THERE HAVE BEEN NO CHANGES.
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NO PROBLEM.

(H) OP PARA 4(G) (OLD PARA 4(F)) - PER REF(C) REVISED LANGUAGE WHICH EQUALIZES PRIORITY GIVEN TO POLLUTANTS AND NON-POLLUTANTS WITH RESPECT TO GEMS IS NO PROBLEM. HOWEVER, CANADA AND SWEDEN DO NOT LIKE "EQUALIZING" IDEA AND PREFER TO KEEP POLLUTANTS AS FIRST PRIORITY WITH NON-POLLUTANTS AS LOWER PRIORITY. WHILE NOT SAYING SO EXPLICITLY, FROM POINT OF VIEW OF SWEDES AND CANADIANS THE US, WHICH PROPOSED "EQUALIZING" LANGUAGE, IS PLAYING ARGENTINE GAME TOO (ALTHOUGH US INTENTION WAS SIMPLY TO COME UP WITH COMPROMISE LANGUAGE THAT WOULD AT MINIMUM NOT MAKE POLLUTANTS THE FIRST PRIORITY.)

(I) OP PARA 4(H) (OLD PARA 4(G)) - PER REF (C) THIS IS NO PROBLEM, BUT SEE COMMENTS PARA 3(B) ABOVE.

(J) OP PARA 4(I) (OLD PARA 4(H)) - SPONSORS HAVE NOT ACCEPTED LANGUAGE PROPOSED REF(C) FOR THIS PARA NOR HAVE THEY ACCEPTED COMPROMISE LANGUAGE WHICH WOULD CHANGE (ASSISTANCE PROGRAMME" TO "ASSISTANCE ACTIVITIES" EVEN WHEN CONFRONTED WITH LANGUAGE OF UNEP GC-II DECISION 18(II), PAGE 66, AND 67 OF GC-II REPORT, WHICH SHOWS THAT TECHNICAL ASSISTANCE IS TO BE RELATED TO "PRIORITY AREAS" AND STILL IS VERY MUCH IN FORMATIVE STAGES.

4. IN SUM OP PARAS 3(B) AND 4(H) ON IRS, 4(A) ON WEATHER, 4(G) ON PRIORITY OF POLLUTANTS AND 4(I) ON TECHNICAL ASSISTANCE APPEAR TO BE, FOR THE MOMENT AT LEAST, THOSE PARAS THAT ARE TROUBLESOME. IF DEPARTMENT CONFIRMS THAT LANGUAGE OP PARAS 3(B) AND 4(H) IS ACCEPTABLE, I.E. THAT GA CHANGE TO UNEP GC-II DECISION ON IRS IS TOLERABLE, THEN ONLY OP PARAS 4(E), 4(H) AND 4(I) REMAIN TROUBLESOME. IN ANY EVENT OUR VIEW IS THAT IT UNLIKELY THAT ALL FIVE THESE PARAS WILL BE WRITTEN TO OUR SATISFACTION AND WE SHALL HAVE TO CONTENT OURSELVES WITH A MESSY RES NO MATTER WHAT. ACCORDINGLY, WE PROPOSED TO MINIMIZE ADVERSE EFFECTS, WHICH WE BELIEVE WOULD BE OBTAINED BY LETTING THE CHIPS FALL WHERE THEY MAY ON ALL FIVE OP PARAS AND CONCENTRATE ON TRYING TO GET US-CANADA-FRG SUGGESTED CHANGE IN THE

CHAPEAU OF OP PARA 4 WHICH, IF ACCEPTED BY SPONSORS.
COULD BE USED TO NEUTRALIZE ARGUMENTS AT UNEP GC-III TO
CHANGE SUBSTANCE OF UNEP PROGRAM IN IRS, WEATHER, POLLUTANTS
AND TECHNICAL ASSISTANCE AREAS(AS WELL AS NEUTRALIZE
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ARTUMENTS AT GC-III TO UNDERTAKE STUDY CALLED FOR IN
PARA 4(A)). IF THIS FAILS OUR FALL BACK POSITION WOULD
BE TO SEEK ACCEPTABLE LANGUAGE CHANGES IN OP PARA 4(I)
ON TECHNICAL ASSISTANCE. THIS STRAGETY ASSUMES THAT LEAST
OFFENSIVE CHANGES IN UNEP WORK PROGRAM FROM OUR POINT OF
VIEW; WOULD FOLLOW FROM LANGUAGE ON IRS, POLLUTANTS
AND WEATHER PARAS AND MOST OFFENSIVE CHANGE WOULD FOLLOW
FROM LANGUAGE IN TECHNICAL ASSISTANCE PARA. IF WE COULD
GET PREFERRED CHANGE, I.E. IN CHAPEAU OF OPA PARA 4, OR
FALL BACK CHANGE IN OP PARA 4(I) WE WOULD SUPPORT RES,
AT LEAST IN REGARD TO ITS OPERATIONAL ASPECTS. IF WE
GOT NEITHER WE WOULD ABSTAIN (IN ACCORDANCE WITH INSTRUCTIONS
PARA 13 OF REF(B)), WITH APPROPRIATE EXPLANATION OF VOTE.
ABSTENTION ON BASIS PARA 4(I) WOULD BE ON ASSUMPTION THAT
TECHNICAL ASSISTANCE PROVISIONS THIS PARA SO OFFENSIVE
THAT IT CALLS FOR US TO TAKE HARD LINE. REQUEST DEPARTMENT'S
VIEWS ON THIS PLAN AND PROPOSED VOTING STANCE.

5. IN ADDITION TO ALL ABOVE LANGUAGE CHANGES HAVE
BEEN MADE ELSEWHERE IN RES AS FOLLOWS:

(A) SPONSORS CHANGED PREAMB PARA 7 TO READ: "AND
WITH THE FACT THAT SUCH EXPLOITATION AND CONSUMPTION REPRESENTS
A THREAT TO THESE COUNTRIES", WHICH COMPARES WITH ORIGINAL:
"AND WITH THE THREAT THAT SUCH EXPLOITATION AND CONSUMPTION
REPRESENTS TO THESE COUNTRIES".

(B) OP PARA 2(B) CHANGED IN RESPONSE TO
CANADIAN PROPOSAL, AS FOLLOWS: BETWEEN "TO ADOPT MEASURES"
AND "TO FACILITATE" INSERT PHRASE "FOR INTENSIFYING
EFFORTS"; AND AFTER "IMPLEMENTATION" ADD "OF THE."

(C) SPONSORS HAVE ADDED NEW OP PARA, PARA 5, WHICH
READS: "REAFFIRMS THE IMPORTANCE OF COORDINATION AND ACTIVE
COOPERATION BETWEEN THE UNEP, THE SPECIALIZED AGENCIES,
THE IAEA AND OTHER ORGANIZATIONS OF THE UN SYSTEM IN
THEIR ACTIVITIES, IN ORDER TO ENSURE EFFECTIVE ATTENTION
AND ACTION WITH REGARD TO THE ENVIRONMENTAL NEEDS AND
PROBLEMS OF MEMBER STATES, ESPECIALLY DEVELOPING COUNTRIES,
AS REQUESTED BY THEM.

6. NO DEL HAS OBJECTED TO ANY OF THESE CHANGES, ALTHOUGH
CHANGE IN PREAMB PARA 7 STIFFENS QUESTIONABLE THOUGHT
THIS PARA. ASSUME DEPARTMENT HAS NO OBJECTION
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THESE CHANGES, PLEASE CONFIRM.

7. COMMENT. NO ONE BUT ARGENTINES SEEM TO BE WILLING TO PRESS HARD FOR THIS RES. ARGENTINE ACE-IN-THE-HOLE IS APPEAL TO SOLIDARITY OF G-77, WHICH ARGENTINE DEL HAS ALREADY INDICATED HE WOULD DO IF NECESSARY. ON THE OTHER HAND DEVELOPED COUNTRIES WHICH HAVE PARTICIPATED IN DISCUSSIONS (FRG, CANADA, SWEDEN, FRANCE) SEEM TO HAVE NO STRONG WILL TO FIGHT RES, REFLECTING FACT THAT NEGOTIATIONS THIS RES REQUIRED KNOWLEDGE OF HISTORY OF DEVELOPMENT OF UNEP DECISIONS AS WELL AS AT LEAST PERIPHERAL KNOWLEDGE OF SOME OF THE TECHNICAL ASPECTS UNEP PROGRAM, WHICH GA DELS DON'T HAVE, WITH POSSIBLE EXCEPTION SWEDISH DEL. PROBLEM COMPOUNDED BY FACT THAT RES'S CALLING INTO QUESTION THE SPECIFICS OF UNEP GC-II DECISIONS HAS OPENED UP PANDORA'S BOX, WITH RESULT, AS NOTED ABOVE, THAT DELS OTHER THAN ARGENTINA HAVE BEEN DRAWN INTO DISCUSSION OF ISSUES NO ONE REALLY WANTS TO DISCUSS, ALL OF WHICH GIVES LEGITIMACY TO ARGENTINE INTENTIONS. PROBLEM FURTHER COMPOUNDED BY ARGENTINE DIVIDE-AND-CONQUER TACTICS REPORTED EARLIER WHICH ALONG WITH DISCUSSION ON QUASI-TECHNICAL MATTERS HAS KEPT DEVELOPED COUNTRIES ON THE DEFENSIVE AND CO-SPONSORS CAPITULATING TO ARGENTINE LEADERSHIP. BEST WAY TO DESCRIBE NEGOTIATIONS IS "CONFUSION." SHOULD US ABSTAIN ON RES FOR REASONS INDICATED PARA 4 WE MIGHT BE ALONE (FRG, FOR EXAMPLE, DEFINITELY PLANS TO GO ALONG WITH CONSENSUS ON OPERATIONAL ASPECTS, FOLLOWED BY EXPLANATION CANADA MAY ALSO ABSTAIN). DEPARTMENT'S VIEWS REQUESTED PARAS 3(B), 4 AND 6 THIS MSG NEED SOONEST SINCE INFORMAL CONSULTATIONS WILL CONTINUE TUESDAY, DEC 3-P.M., POSSIBLY SOONER.

8. IT SHOULD BE POINTED OUT THAT GENESIS OF ARGENTINE INITIATIVE LIES IN WHAT APPEARS TO BE RATHER TOTAL DISENCHANTMENT WITH INABILITY OF UNEP TO DEVELOP MEANINGFUL PROGRAMS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, UNGA RESOLUTIONS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USUNN05585
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740349-0064
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741266/aaaaceup.tel
Line Count: 371
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: (A) STATE 249076, (B) STATE 249211,, (C) STATE 262352
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 25 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 SEP 2002 by ReddocGW>; APPROVED <10 FEB 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: 29TH UNGA - SECOND COMMITTEE ITEM 46 ENVIRONMENT - ARGENTINE RESOLUTION A/C.2/L.1368/REV.1
TAGS: PORG, AR, UNGA, UNEP
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005